

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EVA TRINIDAD FALCONI	:	
Petitioner,	:	
v.	:	No. 04-CV-4903
	:	
UNITED STATES OF AMERICA	:	
Respondent.	:	

ORDER

AND NOW, this 16th day of August 2005, upon careful and independent consideration of the petition for habeas corpus relief, and the Report and Recommendation filed by United States Magistrate David R. Strawbridge, to which no Objections have been filed, **IT IS HEREBY ORDERED**, that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Petitioners' claims labeled two through five (Doc. No. 1) are **DISMISSED WITHOUT PREJUDICE** to Petitioner's right to re-file these claims in a new and separate civil action under Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 402 U.S. 388 (1971); and
3. Petitioner's remaining claim involving loss of good time credits (Doc. No. 1) is **DENIED** as meritless.

BY THE COURT:

S/ _____
Clifford Scott Green, S.J.